City Council Introduction: **Monday**, July 12, 2010
Public Hearing: **Monday**, July 19, 2010, at **3:00** p.m.

Bill No. 10-86

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 10007,** from AG Agricultural District to AGR Agricultural Residential District, requested by Kent Prior, on property generally located at North 98th Street and Holdrege Street.

STAFF RECOMMENDATION: Denial.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 04/07/10
Administrative Action: 04/07/10

RECOMMENDATION: Approval, subject to a zoning agreement (7-1: Cornelius, Larson, Lust, Taylor, Gaylor Baird, Francis and Sunderman voting 'yes'; Esseks voting 'no'; Partington absent).

FINDINGS OF FACT:

1. This is a request to change the zoning from AG Agricultural to AGR Agricultural Residential on 12.75 acres, more or less, generally located northeast of the intersection of 98th Street and Holdrege Street, for the purpose of subdividing to build one additional acreage residence.

2. The staff recommendation to **deny** this change of zone request is based upon the "Analysis" and "Summary" as set forth on p.3-6, concluding that the proposal is not in conformance with the Comprehensive Plan. The area is in Tier One, Priority A, and is shown for future urban residential use. City utilities to serve this area are scheduled to be constructed within the next five years. The applicant has submitted a final plat and concept plan for build-through; however, the concept plan has not been "engineered" to make sure it is workable, and it is not accompanied by the other "enforcing" provisions that are specified for build-through developments in the city code. The staff presentation is found on p.8-10. The additional information submitted by staff is found on p.24-25.

3. The testimony by the applicant is found on p.10-12 and p.14-15, and supplemental information submitted by the applicant is found on p.26. The applicant stated that the basis for this change of zone request is to construct another house for his daughter and son-in-law to support and continue the Christmas tree farm that has been located on the property for 18 years. The applicant contends that the staff has made a very narrow and restrictive interpretation of the Comprehensive Plan in their recommendation of denial because the Comprehensive Plan is a guide and not the law. He does not believe this proposal is prohibited by the guiding principles of the Comprehensive Plan. The applicant believes that he has submitted a build-through plan with temporary access and future acreages.

4. Other testimony in support is found on p.12 and the record consists of five letters in support from neighboring property owners (p.27-31).

5. On April 7, 2010, the majority of the Planning Commission disagreed with the staff recommendation for denial, and voted 7-1 to recommend approval, conditioned upon the applicant entering into a zoning agreement with the Planning Department integrating the final plat design (Esseks dissenting and Partington absent). Commissioner Esseks is opposed to ignoring the explicit objective of the Comprehensive Plan which provides that acreage areas will be directed to areas outside of the future urban growth areas. (See Minutes, p.15-16).

6. The applicant and the Planning Department have been unable to successfully negotiate a zoning agreement, and the applicant has requested that this change of zone be scheduled on the City Council agenda without the associated zoning agreement as recommended by the Planning Commission. The staff is requesting compliance with usual build-through requirements for lot grading/drainage plans for the ultimate development, access controls for the arterials, reservations for future internal roads, easements for future utilities, and covenants informing future lot owners of their obligation to participate in future assessments for streets and utilities. A key concern of the applicant is that the possible need for land in the proposed "outlot" for streets and utilities will impact his current tree nursery operation.

FACTSHEET PREPARED BY: Jean L. Preister **DATE**: July 6, 2010
REVIEWED BY: _____ **DATE**: July 6, 2010
REFERENCE NUMBER: FS\CC\2010\CZ.10007

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for APRIL 7, 2010 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.10007

PROPOSAL: From AG-Agricultural to AGR-Agricultural Residential

LOCATION: N. 98th St and Holdrege St.

LAND AREA: 12.75 acres, more or less

EXISTING ZONING: AG-Agricultural

CONCLUSION: The proposed change of zone is not in conformance with the Comprehensive Plan. The area is in Tier One, Priority "A" and is shown for future urban residential. City utilities to serve this area are scheduled to be constructed within the next 5 years.

RECOMMENDATION: Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Prior Addition, located in the SW 1/4 of Section 13, Township 10 North, Range 7 East, Lancaster County, Nebraska

EXISTING LAND USE: Agriculture/Tree farm

SURROUNDING LAND USE AND ZONING:

North:	AG-Agricultural	Agriculture
South:	R-3, Residential	Waterford Estates subdivision, future residential lots
East:	AG-Agricultural	Acreage lots
West:	AG-Agricultural	Acreage lots

HISTORY:

April 17, 2006 Annexation #04003, Change of Zone #04019 and Preliminary Plat #04011 for Waterford Estates was approved by the City Council.

September 3, 1993 Prior Addition final plat was approved by the Planning Director.

COMPREHENSIVE PLAN SPECIFICATIONS:

Near and long term growth areas for the City of Lincoln should be preserved in order to facilitate future urban growth. Acreage areas will be directed to areas outside of the future urban growth areas in order to minimize conflicts between urban and acreage uses and so that the City may provide urban services as efficiently as possible. (p.9)

Urban Residential: Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (p.16)

The area of application is shown as Tier One, Priority "A" and is shown as urban residential on the future land use plan. It is also within the future service limit. (p.19, 21)

Future Service Limit: The land use plan also displays the future service limit for the City of Lincoln. Land inside this line represents the anticipated area to be provided with urban services within the planning period.(p.23)

Priority A of Tier 1: Areas designated for near term development are generally contiguous to existing development and should be provided first with basic infrastructure within the next 6 years. Some of the infrastructure required for development may already be in place. (p.24)

The areas beyond city and town boundaries in their extra-territorial jurisdiction should be preserved for future urban growth by designating them for agricultural use. (p.70)

New acreage development generally is not encouraged in the Urban Growth Tiers for Lincoln's three-mile extra territorial jurisdiction, except for areas already platted, zoned, or designated for low density residential development.(p.70)

All proposals for acreages on land not already designated on the future land use map for acreages should be evaluated based on factors such as water quality and quantity, soil conditions, roads, availability of emergency services, agricultural productivity, land parcelization, pattern of existing acreages, and plans for future urban development.(p.70)

Applications for acreage designation on the future land use map or rezoning to AGR, if planned for on-site wells, should be accompanied by information on water quality and quantity.(p.70)

Areas not designated for acreages should remain agriculturally zoned and retain the current overall density of 32 dwellings per square mile (1 dwelling unit per 20 acres) (p.70)

UTILITIES:
A public sanitary sewer is scheduled to be constructed to serve this area within the next 5 years.

TRAFFIC ANALYSIS:
Holdrege St. and N. 98th St. are classified as minor arterial streets in the Comprehensive Plan. Holdrege St from N. 98th St to N. 112th St is shown as a proposed project for 2 lanes plus turn lanes and N. 98th St. from Holdrege St. to US-34 is shown as a proposed project for 4 lanes plus turn lanes in the Comprehensive Plan.

The 2009-2015 Capital Improvement Program does not include a specific project for either Holdrege St. or N. 98th St.

N. 98th St is shown to connect from Holdrege St. to "O" St. in the Waterford Estates preliminary plat.

PUBLIC SERVICE:
Fire service would be provided by the Southeast Rural Fire District.
This area is served by the Waverly School District.

<u>ANALYSIS:</u>

1. This application is for a change of zone from AG-Agricultural to AGR-Agricultural Residential on approximately 12.75 acres.

2. This area is shown for future urban residential and is within Tier One Priority “A” in the 2030 Comprehensive Plan.

3. The Comprehensive Plan discourages acreage development within the Urban Growth Tiers for Lincoln’s three-mile extra territorial jurisdiction. The Plan states:

   Near and long term growth areas for the City of Lincoln should be preserved in order to facilitate future urban growth. Acreage areas will be directed to areas outside of the future urban growth areas in order to minimize conflicts between urban and acreage uses and so that the City may provide urban services as efficiently as possible. (2030 Plan, page 9)

4. Future urban residential is defined as multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. The proposed AGR would have one dwelling unit per three acres.

5. The creation of additional lots could potentially make it more difficult for orderly development to urban density since multiple owners would need to subdivide at the same time. The siting of houses on the future lots may impede street and utility layout in the future.

6. Although not a requirement for a change of zone, the Comprehensive Plan does recommend information on water quality and quantity accompany a change of zone to AGR. The approval of this change of zone could add two wells. The applicant has not attached any information on water quality or quantity.

7. The applicant plans to add 1 or 2 dwelling units with considerable expense of new rural wells and septic or lagoon sewage system. Within a few years the City may annex this property and extend urban services. Unfortunately, this could have a financial impact on the new owner(s) as they pay for new urban services when they have recently paid for a rural system.

8. Urban services should be available to this property within the next five years. The City has substantial infrastructure investments in the area. The Stevens Creek trunk line alone will cost over $20 million by the time it reaches Holdrege Street to provide service to this area.

9. The goal of the application as shown on exhibit #1 is to create three lots and one outlot. Unfortunately, the proposed arrangement will make it more difficult to urbanize this property since it will split up all the land among various owners.

10. The applicant has submitted a “Build Thru Concept” in exhibit # 2 on how the proposed acreage lots could be converted to urban size lots. However, this exhibit relies on all three owners cooperating on a plan. By dividing the ownership, it further creates a situation where any one owner can’t urbanize their property without cooperation from at least one other owner.

11. The Public Works & Utilities Department recommends denial of the application. They state:

"It is not good policy to create AGR lots in Tier I A designated property. The creation of multiple ownerships potentially make it difficult for orderly development to urban density since multiple owners seldom want to subdivide at the same time."

12. Public Works & Utilities also notes that the Build Thru concept presented by the applicant is closer than the standard spacing between 98th and Holdrege Street. They are concerned that with the approval of this change of zone there will be additional driveways on to arterial streets. The goal of the City is to reduce individual driveways on arterial streets, where as this concept plan would increase the number of driveways. It is short sighted to add driveways now, that the City might have to pay to remove in the long term as it develops N. 98th Street into a four lane arterial street.

13. In a typical build thru concept, several acreage lots are developed on a cul-de-sac with a single large undeveloped parcel in farm use for future urbanization. This single large parcel can be urbanized without impacting the other parcels and doesn't require the other owners to cooperate. In the applicant's plan only a narrow outlot for a future road is left undeveloped, otherwise over 75% of the land is in acreage use.

14. The amount of land lost to urbanization is not large in this circumstance, only 12 acres, but the principal and precedent is important. City staff have discouraged other requests about creating acreage lots in Tier I in order to preserve land for future development. This application sets a precedent for allowing acreages to consume future urban land.

15. Sustainability: The Comprehensive Plan was recently amended to add the following:

SUSTAINABILITY
The Comprehensive Plan has long recognized the importance of building sustainable communities - communities that conserve and efficiently utilize our economic, social, and environmental resources so that the welfare of future generations is not sacrificed. This concept has grown in importance with increased understanding of the limits to energy supplies and community resources, the likelihood that energy costs will continue to increase in the future, and the climatic impacts of energy consumption. (2030 Plan, Page 8)

The City will, at considerable expense, build urban utilities to serve this and surrounding property. It is inefficient, and ultimately unsustainable, to develop a community at a low density with urban services. Twelve acres of urban residential land could typically support 48 dwelling units, rather than the 3 proposed. Thus, for the City's investment, only 3 units will sustain it rather than the typical 48 dwelling units.

Summary:

The applicant's desire to create a lot for a family member to live on the site is a noble reason. However, this could result in a negative financial impact on future lot owners and make urban development in this area more difficult. The initial lot owners may be aware of the circumstances of urbanization. However, the current plans for property remaining in the family can change for many unexpected reasons with the new owners being unaware of the impacts of urbanization.

New acreage development and AGR zoning is contrary to the goals of the Comprehensive Plan. Specifically acreage development within the city limits is not a sustainable development pattern in the long term. While the amount of acres in this application is relatively small, approval of this application will establish a precedent for future applications. It is a poor use of urban resources to provide urban services to only 3 houses on 12 acres, rather than a more typical 45 to 50 homes.

The proposed build thru concept is unworkable for future development and would result in additional driveways on the arterial street system. It is short sighted to approve acreage zoning and new driveways on a future four lane urban arterial street. N. 98th Street in the future could be comparable to N. 84th Street today in terms of traffic volumes and design. The City has gone to considerable time and expense on N. 84th Street to limit individual driveways. It may be hard imagine N. 98th as a future four lane road, but that is the purpose of good street planning is to look ahead to the future design.

This ultimately could have a negative impact on the new owners in the long term. The City has an obligation to provide some protection to home buyers. The City policy of not establishing acreage lots in areas of near term urban development protects the home buyers. The City has experienced the significant upheaval in a family life created by annexation, and often resulting changes such as a shift in school district and additional costs brought on by urban services. When there is an older existing acreage subdivision, the City does the best it can to deal with these issues and the home owners. However, the City should not purposively create more of these lots to deal with in the future.

Prepared by:

Tom Cajka
Planner

DATE: March 23, 2010

APPLICANT: M. Kent Prior
1700 N. 98th St.
Lincoln, NE 68505
(402) 202-3827

OWNER: same as applicant

CONTACT: same as applicant

CHANGE OF ZONE NO. 10007

PUBLIC HEARING BEFORE PLANNING COMMISSION: April 7, 2010

Members present: Cornelius, Larson, Lust, Taylor, Esseks, Gaylor Baird, Francis and Sunderman; Partington absent.

Ex Pate Communications: None.

Staff recommendation: Denial.

Staff presentation: **Tom Cajka of Planning staff** submitted five letters in support from surrounding neighbors and a staff memo in response to questions raised by Commissioner Gaylor Baird pertaining to the impacts of acreage subdivisions after annexation into the city. Cajka indicated that a lot of the time, the main annexation questions deal with the school district. When an area is annexed, it automatically becomes a part of the Lincoln Public Schools District and the owner would have to pay property taxes to LPS and the owner would no longer pay taxes to the school district of which they were previously a part. They do, however, have to continue paying the other school district if there are outstanding bonds, but they do not have to pay any of the old LPS bonds.

Another big issue with annexation is property taxes. Upon annexation, the owner would be paying the LPS and city property taxes. They would no longer be paying for a rural fire district or the old school district. Typically, it is estimated that there would be a 5 to 20 percent increase in property tax after being annexed.

Another question is whether the owner can continue to keep a septic tank and well. They are allowed to keep both, i.e. they can continue to keep the septic if the public sanitary sewer is more than 300' away and is not accessible. If city services are accessible and within 300', the property owner can be required to hook onto city service. They can continue to use the well but would be obligated to get an annual permit and inspection.

As to the issues regarding converting acreage lots to urban size lots, a lot of times it doesn't always work out well for the street layout system and the location of the utilities for those bigger lots without some kind of criteria for placing the houses on those three-acre lots.

Another issue is that in the areas where the city will most likely be annexing in the near future, if the owners invest in the cost of septic system and well, they may be required to abandon it and incur costs 5 years down the road.

Specifically regard this change of zone application, Cajka explained that the applicant is seeking a change of zone from AG to AGR on 12.75 acres, located northeast of the intersection of 98th & Holdrege. This area is shown as Tier I, Priority A, in the Comprehensive Plan and for future urban residential. Urban residential means a density of one to fifteen lots per acre. The area is adjacent to the city limits.

Public Works has stated that they anticipate city sewer and other utilities to serve the area of this application will be accessible within the next five years.

The applicant has submitted a proposed final plat and concept plan for build-through. Although he has shown a concept plan for build-through, the city has no jurisdiction to require that because the lots meet the minimum size for the AGR district. There is no way the city can enforce the build-through concept.

Cajka pointed out that 98th Street and Holdrege Street are arterial streets. City policy is to limit the number of accesses onto an arterial street. This would include at least two more access points on 98th and on Holdrege. Cajka showed the site plan for the proposed final plat, including one driveway for the existing house and another driveway would be added to 98th and another to Holdrege Street.

If this change of zone is approved, staff would recommend or encourage that the applicant submit a preliminary plat to show how a street could be built so that all three lots could have access off an interior street, with just one access onto either 98th Street or Holdrege Street.

Lust confirmed that one of the concerns about allowing acreages in the Tier I, Priority A, area is that any future subdivision would require cooperation of all owners in the area to subdivide. In this instance, she understands that the houses are all going to be owned by one family. Cajka agreed; however, we don't know what might happen in the future as far as ownership.

Esseks wondered what conditions are required if build-through objectives are not required. Cajka stated that he had looked into whether the property would be automatically annexed; however, it would not because the state statutes do not automatically annex lots of this size. If the property is zoned AGR, the applicant would have to meet the minimum lot size in the subdivision requirements. Build-through, with a proposed street layout and utilities, in this situation, cannot be required.

Esseks noted that Exhibit #2 showing the build-through concept indicates the possibility of future urban size lots and asked Cajka to elaborate the staff's concern about the proposed layout. Cajka indicated that Public Works had issues with the street connections, plus that concept plan would require the cooperation of all the property owners.

Francis inquired as to the size of the two acreages to the east. Cajka believes they are a little larger than the proposed (5 acres). Francis then inquired as to the problems presented by the two larger lots during the growth period. Cajka stated that it will be somewhat of a problem for the whole area because there are smaller acreage lots throughout the entire area. Annexing acreages and converting them over has been somewhat of an issue in getting everyone to agree and make it work. The acreages to the east were platted when 5-acre lots were allowed. Francis wondered whether they would be considered grandfathered in if they did not want to be annexed. Cajka stated that there is no grandfathering. The property owners can always object to being annexed, but it would not be based on whether or not they were a legal lot when platted.

Francis inquired about any current acreage subdivisions within the city limits that have stopped any build-through plans. Cajka could think of acreage developments that did come back and do a layout for platting in the future, such as north of Superior, west of 14th by I-180 and southeast on Pioneers and 70th behind the church. Francis wondered whether there is any way to put deed restrictions on this applicant's subdivision to show the concept plan. Cajka suggested a conditional zoning agreement, but he would need to confirm with the City attorney.

Esseks inquired about the future status of 98th Street and Holdrege Street – are these in our plan as major or minor arterials? Cajka stated that they are minor arterials, shown to be improved to two lanes plus turn lanes. Esseks wondered whether the city has enough right-of-way there now. Cajka did not know but suggested that the right-of-way could be acquired with the final plat.

Esseks noted that staff argues that with rather low density development in this area, extending sewer and water lines by the city would be less cost-effective. Cajka indicated that the staff has not done a cost analysis, but there is less benefit overall to run sewer and water for three lots as compared to multiple lots in a regular city-type subdivision.

Proponents

1. Kent Prior, the owner of the land in question and the applicant, explained that he has had a "choose and cut" Christmas tree farm on this property for 18 years. He wants to build another house on the property along Holdrege Street to continue to have the farm and to have the support of his daughter and son-in-law to help on the Christmas tree farm. It is a viable business. He pays taxes and employs people to help operate the farm. That is the basis for this request – it is necessary to construct another house for his daughter and son-in-law.

Prior suggested that the Planning Commission needs to have a better understanding of the area and how it sits. The Planning Commission was not provided with the topographical survey that he had prepared showing the existing house, the Christmas tree sales shed, cover for the nursery, equipment storage, and the parking lot for Christmas tree sales. There could be 30-40 cars there at a time during sales, and the remainder of the property is planted to Christmas trees. There is a major drain all the way through the property. This is not property that sits on top of a hill. It is not prime developable ground. There are acreages with houses in the area and adjacent to this property. The property is on a side drain to Stevens Creek - it is not on a major drain.

With regard to the guiding principles in the Comprehensive Plan for orderly development, Prior suggested that these principles are not the final and only conclusions that can be applied to the proposed change of zone. He believes that a very narrow and very restrictive interpretation has been made to justify denial. He suggested that the low density rural designation as made by Comprehensive Plan on the west side of 98th Street and urban residential on the east side of 98th Street was arbitrary because they both existed at the same time. The planners talk about designated Comprehensive Plan specifications which he finds to be guiding principles, which are two different things. There is a significant difference between a specification and a principle. Therefore, to suggest that the guiding principles are the letter of the law is incorrect and a misinterpretation of the intent of the Comprehensive Plan.

Prior urged that the requested change of zone to accommodate construction of a maximum of two homes does not inhibit future urban growth. Why would you want to go further out when you have the land available already? There seems to be a frame of mind that the acreages and the urban use cannot co-exist.

With regard to the proposed building-through plan, Prior stated that there is nothing in the design standards that prohibits the change of zone to accommodate the area of application. The area of application has the potential for future services. The sewer service has to pass through Waterford Estates and the City is unable to predict when that service will be available. Prior believes that the lack of infrastructure and the inability to predict a timetable for the services to be available supports this request for change of zone.

Prior also pointed out that the development of new acreages is not precluded within Lincoln's 3-mile jurisdiction. This acreage already exists and is proposed to be revised with due regard given to the guiding principles.

Prior also believes the proposal is consistent with land use, both pre-existing and adjacent. The proposal is for continuation of agricultural production which exists on the site. There is not a requirement for this change to be accompanied by information of water quality and quantity. This area of application has existed for 30 years and a new area of acreages is not being created by the proposed change.

With regard to utilities, Prior noted that there is a major trunk sewer proposed in the 6-year CIP for the sanitary sewer; phase 2 has been bid and will be under construction shortly; and phase 3A and 3B are currently under design without a schedule. Funding for 3A is projected to be available. Funding for 3B is not available until revenues are increased with rate increases. Thus, there can be no predicted timetable when adequate funding can or will be made available. The sanitary sewer for 3B only connects to an existing sanitary lift station to serve Waterford Estates. Service to the area is outside control of the city as it comes through Waterford Estates.

Prior then proceeded with comments pertaining to the staff analysis, reiterating that there is no written policy that precludes or prohibits this change of zone request.

Analysis #3 states that, "The Comprehensive Plan discourages acreage development within the Urban Growth Tiers for Lincoln's three-mile extra territorial jurisdiction." Prior pointed out that he cannot find a written policy that acreage development is prohibited within the 3-mile jurisdiction. He cannot just pick up the Christmas tree farm and move it. The property for the change of zone is not located along a major drain, and, in reality, there is less than 25-50 acres that sits upstream of this proposed property for any potential build-through. He has prepared a build-through concept that does not preclude the extension of utilities or development of the available area to the adjacent acreages.

Response to Analysis #4: Prior contends that future urban residential is preserved by the plan he has proposed. AGR does not diminish this potential with the additional house on one lot.

Response to Analysis #5: Prior stated that there is potential for construction of only two additional houses with only two additional buildable lots. No consideration has been given to the specific nature of the lots being created. Each lot has only one location upon which to build.
Response to Analysis #9: The change of zone is being requested to accommodate creation of an

additional buildable lot. With the surplus of buildable lots and the economy, he cannot be assured that the sanitary sewer service will be available in 5 or 10 years. The sewer has to come through the last phase of Waterford Estates.

Response to Analysis #10: Prior suggested that there is nothing difficult about the urbanization of the individual lots. The proposed outlot preserves the necessary corridor.
Response to Analysis #11: There is no reliance upon the adjacent landowner to develop the land. The corridor being preserved allows for future development for the neighbor to the east.

In summary, Prior stated that his primary goal for this change of zone is to continue with a viable enterprise. The proximity to the city is not deterrent to the tree farm. "We can live with the city but it appears the city cannot live with us". He does not believe there is a strong basis to prevent what he is requesting to do. He sees nothing written that says that this cannot occur beyond the guidelines. There are many aspects that need to be considered. It has been stated that the build-through concept is unworkable for future development and results in additional driveways. He pointed to the driveways on the map. The only driveway that needs to be created is the one on Holdrege Street. He spent time working on the build-through concept with Public Works. It was reviewed with Public Works and the same engineer that recommended denial sent Prior an e-mail which differs significantly.

Prior confirmed that he wants to build one additional house on the southeast corner of the lot along Holdrege Street. Prior also confirmed that he is going to maintain ownership of the entire property. He is going through the subdivision because it is required. He could theoretically do four lots but he has chosen not to. He assured the Commission that he is not subdividing to sell off his property.

Francis assumed Prior has met with his neighbors. Prior confirmed that they had met and that no one had any concerns about adding one more house.

Support

1. Analisa Petersen, the applicant's daughter, testified in support. She wants to help maintain the tree farm, and she reassured that the property will remain in the family.

There was no testimony in opposition.

Staff questions

Esseks noted that the property is currently in agricultural use and wondered whether the applicant can build another house on the same parcel with the existing AG zoning. Cajka advised that he would need a 20-acre parcel to do that. He only has 13 acres so it is limited to one house. He could have two separate parcels but he would still need the AGR zoning. In the long run, it would be easier to get two property owners to do something rather than three. But the change of zone to AGR does not meet the policies or the guidelines written in the Comprehensive Plan.

But, Francis suggested that the Comprehensive Plan is just that – a guideline and direction. It is not intended to be the letter of the law. Cajka agreed that it is not law, but it is a guideline that the community as a whole has adopted to lay out how the city will grow in the next 25-30 years.

Gaylor Baird believes approval of this change of zone would be setting a new precedent in conflict with the Comprehensive Plan. Cajka believes that the Comprehensive Plan is pretty evident and clear when it states, “Acreage areas will be directed to areas outside of the future urban growth areas in order to minimize conflicts between urban and acreage uses and so that the City may provide urban services as efficiently as possible.” New acreage development generally is not encouraged in the urban growth tiers for Lincoln’s 3-mile jurisdiction except for areas already shown in the Comprehensive Plan for acreage development. Planning staff believes it is pretty clear that these areas should not be subdivided into three-acre lots. It is a lot easier when the city develops into an urban type subdivision when it is a larger area.

Cornelius asked Cajka to outline the process by which urban residential land uses in these outer areas, as the city limits move and the area becomes developed, are reconciled with existing agricultural uses that are there for the long run. Cajka responded that when the city grows out to agricultural uses, there are usually a lot of complaints from the new city urban dwellers about odors and that type of thing. He acknowledged that that would not be much of an issue in this case with a tree farm. Sometimes the acreage people thought they were moving out in the country and they don’t want the city and a lot of neighbors.

Taylor asked Cajka to respond to the applicant’s testimony and proposed build-through concept plan as it relates to Analysis #9 and #10. Cajka stated that the testimony does not change the fact that different owners could make it difficult in the future. Staff understands that one of the lots will be for a family member, but that still leaves a third lot available for sale. We do not know what is going to happen on the third lot. Even though the applicant is showing a build-through concept, it is not required. In general, in the past we have found that with multiple owners it is more difficult to bring them all together to get them to agree on some kind of concept plan or layout for an acreage type development for utilities and streets.

Gaylor Baird asked the Director of Planning how exceptional this case is or how precedent- setting it is. We have a number of arguments outlined by the staff in terms of conflicts with the Comprehensive Plan, and that it is potentially more costly to the city in the long term due to services to fewer residents and also that the build-through is not binding. On the other hand, we have the testimony explaining the purpose of the second dwelling; the owner is still going to remain a single owner; and it is not a typical livestock situation. What is the precedent we would be setting here? Or could we look at this as an exceptional case with the existing land use, etc.? Marvin Krout, Director of Planning, responded, stating that each case presents a unique set of circumstances. It is true that the Comprehensive Plan is a guideline. If it was all prescriptive, we would not need the Planning Commission. The Planning Commission is asked, as a body of citizens who bring a variety of perspectives, to weigh in on that question. If you ask a planner, we will say that everything is precedent. There is no question. This is just one of those balancing acts that the Planning Commission is asked to do. Someday we will be annexing those acreage properties and you will be asking the staff how we got into this mess. You get into this mess by approving these types of changes. It is going to be pretty bad whether or not you approve this additional change of zone. The staff reviews applications from the technical viewpoint, and from the standpoint that every decision the Planning Commission makes ends up being a precedent against those guidelines the next time someone comes in. Krout does not believe there is a hardship in this case. He

believes this is a fairly classic case. The staff attempted to balance it. There are rules and guidelines and every time you make an exception you make it easier to make another exception.

Larson had assumed that all of the surrounding area outside the city limits was pretty much undeveloped, so this would be an island of acreages within a sea of undeveloped land, but now he sees that the whole area around it is acreage lots with residences, obviously less than 20 acres. How did that happen? Krout suggested that it happened before a lot of the current guidelines were in the Comprehensive Plan. A lot of the acreages close to the city were permitted under less restrictive rules at the time. It is true that this is a problem area, whether this gets subdivided into two more lots or not.

Larson believes we create a different kind of island in a sea of acreages if we don't approve this. Krout acknowledged that this one will be a little smaller than the existing acreages if Prior is allowed to subdivide.

Given the goals of the applicant, Cornelius asked whether the applicant's proposal is the best that we could come up with. Or is there a different creative way to approach this which would maximize the City's options going forward as well as allowing us to help Mr. Prior meet his goals? We talk about expansion of nonconforming uses; we've got less than 20 acres in the AG zone already; we've got a request that is trying to use AGR to fill a different need than actual subdividing for development. Krout suggested that if the applicant were to create one more lot as opposed to two, he would be more consistent with the size of the acreages all around him and would have less of a problem with two family members as opposed to a third owner. It would be more consistent with the older division of land to the east.

If the zoning is changed to AGR, Sunderman wondered whether the applicant could come back through and plat three lots. Krout stated that unless there is a zoning agreement, there can only be two lots.

Cornelius wondered whether a zoning agreement could include a binding requirement for the build-through as a covenant on the property. Krout believes that would be possible. We don't really know that that will work, but it would at least be a starting point. Then he would have to come back and lift that agreement if he wanted to do something different.

<u>Response by the Applicant</u>

Prior reiterated that he spent considerable time trying to work with Planning and Public Works to bring a plan to the Commission so that this could be approved. He attempted to establish those alternatives and he was told there were no alternatives to go to the Planning Commission. He found that there is an opportunity for build-through with temporary access and future acreages. He believes he has done everything. There is right-of-way for the future four-lane road; he granted the city an easement for the water line and the city purchased some of his property for the four-lane road. You already have 60' for the four-lane road. You will have 60' for Holdrege with the administrative subdivision, if approved.

Cornelius asked the applicant whether he is amenable to making the build-through plan binding on the property through a zoning agreement with the city. Prior's response was that he made an offer when he first came in and got no response. He was told there was no way he would get this change of zone approved. So he did not carry his discussions any further with Planning and he went to

Engineering Services. He thought he had a solution and then this staff report changed everything. He has tried to follow the prescription for the subdivision ordinance. The administrative plat takes no exception to anything. He has preserved future ability to develop this property by creating the outlot. Mr. Harms to the east has the 70 acres and is one of the individuals that is in support of this application.

Prior stated that he offered to do the build-through. It takes considerably more effort and is expensive. He prepared one plan as best advised to do, and now the Commission is suggesting that he go back and do it all over again.

Taylor observed that a lot of time and effort, wisdom and judgment is the result of guidelines of the Comprehensive Plan. We have to consider how this decision is going to affect all of our future decisions. We trust the Planning Department to give us a recommendation and we find a reason to override their decision or agree with it. These decisions have been formally placed in position so that when a presentation such as this is made, we have to line that up with the future of our community and how we go forward. So sometimes we have to make decisions we don't want to make. What is your willingness to go further to satisfy your needs and the needs of your family and also rightly address the future of our community? Prior stated that he cannot maintain the tree farm with one access to facilitate the three lots. He has to use the access off the existing roadways.

Lust asked the applicant whether he would be agreeable to a condition of approval to sign an agreement with the City that says that the build-through is binding. Prior would not have a problem if it is the build-through as he presented, as long as he can have access off Holdrege Street. He has access off 98th.

ACTION BY PLANNING COMMISSION: April 7, 2010

Lust moved to approve the change of zone conditioned upon the applicant entering into a zoning agreement with the Planning Department integrating the final plat design, seconded by Larson.

Cornelius commented that despite Planning assertions, this does feel like a relatively unique situation. Among the factors that make this unique are the extensive amount of effort that the applicant has put into producing an application that tries to comply with the principles of the Comprehensive Plan. This is a relatively large agricultural use parcel in a grouping of relatively small acreages currently. We have stipulated as part of our motion for approval that the applicant will have to work to meet those guidelines as set forth in the Comprehensive Plan, and for those reasons he will support the motion.

Esseks stated that he will vote against the motion. He is very uncomfortable ignoring the explicit objective of the Comprehensive Plan, i.e. that acreage areas will be directed to areas outside of the future urban growth areas. We are not asking the applicant to move his farm. It is his idea to create two new lots. It is a very bad precedent to grant AGR to someone who wants a lot for a family member plus another lot. He sympathizes with the Planning Director's position. This area is already difficult to develop at urban densities, for which the Plan calls. He believes the precedent is so bad he will have to vote against the motion.

Francis appreciates the applicant's willingness to work on the build-through plan. Yes, this goes against the Comprehensive Plan, but it is a guideline and there are always going to be unique situations where a family member might want to join the family business. She believes the applicant might be in favor of just two lots, but that is not before us.

Lust does not believe we need to live in fear of precedent. Precedent needs to be analyzed to see if it applies to the particular situation. Just as every situation is unique, the precedent that you go back to is the one that is more like what you are looking at. In this area, there is already precedent for acreage lots. Prior is not asking to change the situation on this property, except to have the ability to continue an existing situation by having the next generation take over this tree farm. She agrees that we should always tread lightly in granting exceptions to the Comprehensive Plan, but the proper analysis of precedent is to look at unique situations, and that is what this body is for.

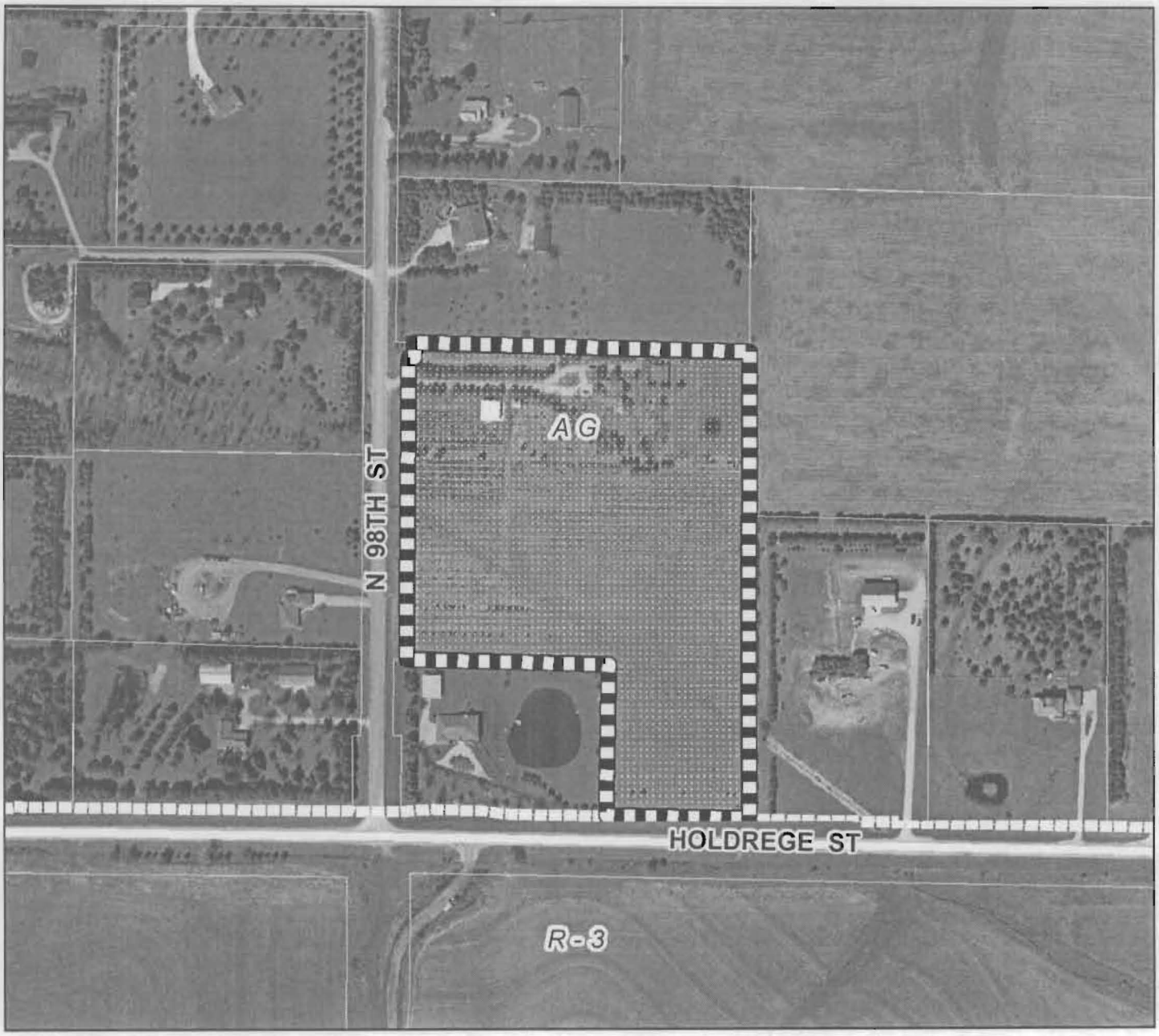
Larson stated that he would be opposed if the property were on the absolute fringe, but it is surrounded by existing acreages of smaller size, and since there is an assertion by the applicant that his family is going to continue to operate the tree farm, he thinks it is worth making the exception.

Gaylor Baird commented that it is so easy to see both sides of this equation. It is a difficult decision. She believes the arguments add up to a case for this being truly exceptional and that we are not necessarily sending a message to future applicants. While she has reservations, she believes that she will lean toward this being a unique situation worthy of approval.

Taylor indicated that he will support the motion.

Gaylor Baird further commented that it is rarely persuasive to say that if the problem exists, it is okay to repeat it, but the fact that this applicant is so willing to work with the city to achieve the goals by submitting the build-through plan, then she is less concerned with that act because this area is already problematic. The binding agreement creates a little pocket of effort that meets the goals of the department.

Motion for approval, subject to zoning agreement, carried 7-1: Cornelius, Larson, Lust, Taylor, Gaylor Baird, Francis and Sunderman voting 'yes'; Esseks voting 'no'; Partington absent. <u>This is a recommendation to the City Council.</u>



2007 aerial

Change of Zone #10007
N 98th & Holdrege St

Zoning:

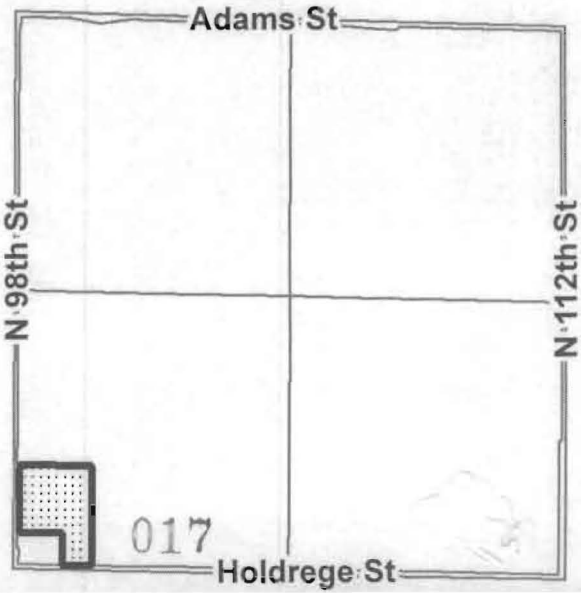
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 13 T10N R07E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction



m:\plan\arcview\Agendadrawings.mxd (CZ10007.pdf)

PURPOSE STATEMENT

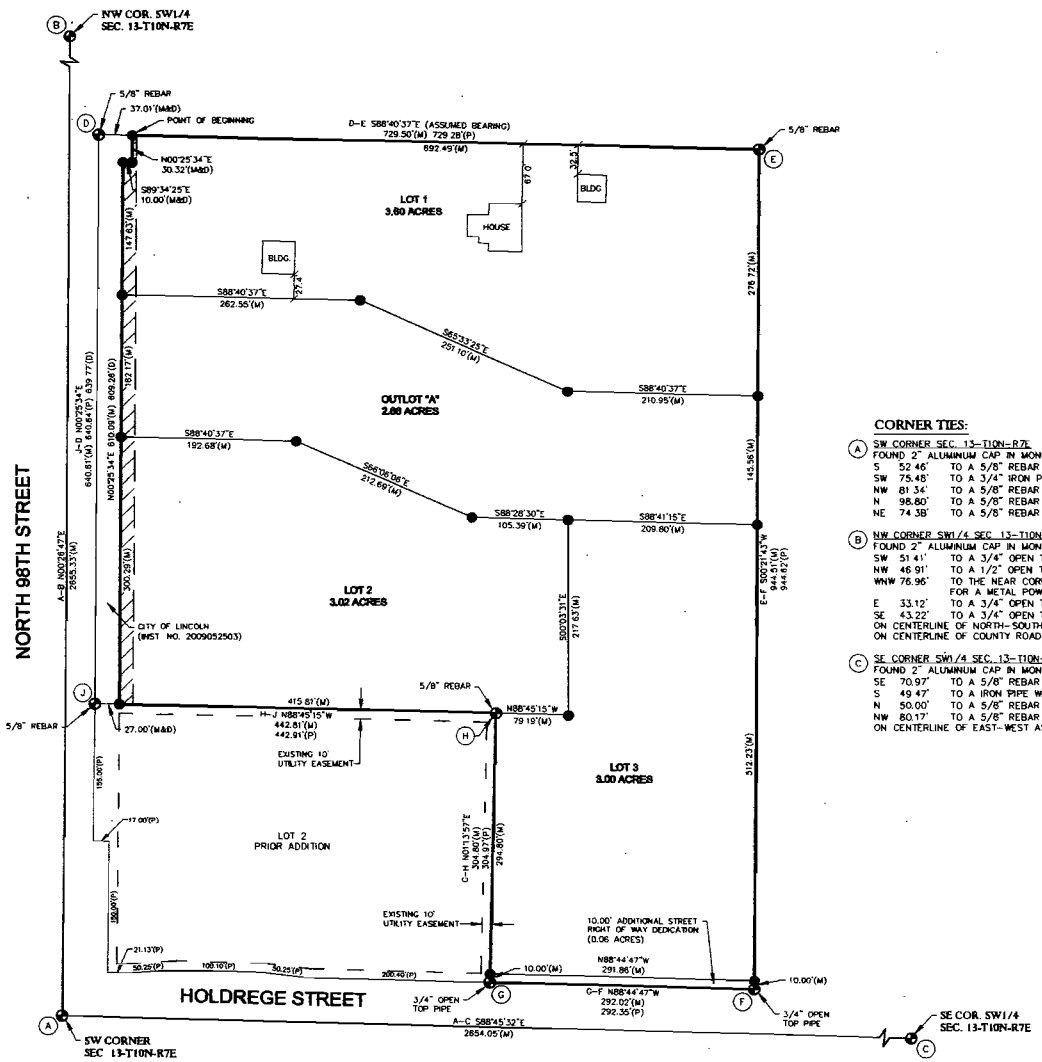
Purpose of zoning application change is to permit the creation of a buildable lot for the Owner to construct an additional residence on the property. The property currently consists of approximately 12.75 acres and is an active choose and cut Christmas tree farm. The Christmas tree farm requires considerable effort to plant, maintain trees, perform weed and pest control, trim trees, mow, and market the Christmas trees. The farm has been active for twenty-one years. The owner's daughter and son-in-law will occupy the existing house upon construction of a new residence by the owner. The assistance of the family is desired to permit the farm to continue in existence into the future. The zone change to AGR is required to create the buildable lot.

The owner is not a land developer but has become familiar with the requirements for the land to be subdivided. As such, the property has been surveyed and the necessary plan to subdivide the property has been prepared. An administrative subdivision will be submitted upon receipt of the necessary change of zone. The subdivision plan as prepared has been attached for reference. Although not required, the owner has consulted with City of Lincoln Engineering Services to establish a plan which will conform to future requirements for a build thru the properties when it is desired by others to further subdivide the property for low density housing or urban density housing. See the attached plan for the build thru concept. The proposed lots are 3+ acres and conform to the minimum width and average width as prescribed. Options have been provide for future street connections into adjoining ownerships as required. Further considerations which have gone into the lot layout are future drainage requirements, need for storm water detention in the future, need for future sewer service across the property which would approximate the natural drainage and facilitation of future grading requirements. Each lot will abut a public roadway with a new point of access only required on one lot. The proposed subdivision of the property is consistent with the Comprehensive Plan. The proposed plan is in accordance with design standards, minimum improvements and no modifications of the land subdivision regulations are proposed. All written policy and regulation will have been address with the proposed plan for subdivision is submitted.

Kent Prior

PRIOR 1ST ADDITION

ADMINISTRATIVE FINAL PLAT



CORNER TIES:

(A) SW CORNER SEC. 13-T10N-R7E
FOUND 2" ALUMINUM CAP IN MONUMENT WELL
S 52.46' TO A 5/8" REBAR
SW 75.48' TO A 3/4" IRON PIPE
NW 81.34' TO A 5/8" REBAR
N 98.80' TO A 5/8" REBAR
NE 74.38' TO A 5/8" REBAR

(B) NW CORNER SW1/4 SEC. 13-T10N-R7E
FOUND 2" ALUMINUM CAP IN MONUMENT WELL
SW 51.41' TO A 3/4" OPEN TOP PIPE
NW 46.91' TO A 1/2" OPEN TOP PIPE
WNW 76.96' TO THE NEAR CORNER OF A SQUARE METAL BASE FOR A METAL POWER POLE
E 33.12' TO A 3/4" OPEN TOP PIPE
SE 43.22' TO A 3/4" OPEN TOP PIPE
ON CENTERLINE OF NORTH-SOUTH COUNTY ROAD
ON CENTERLINE OF COUNTY ROAD WEST

(C) SE CORNER SW1/4 SEC. 13-T10N-R7E
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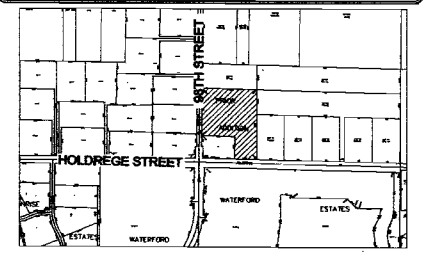
SE 70.97' TO A 5/8" REBAR
S 49.47' TO A IRON PIPE WITH 2" ALUMINUM CAP
N 50.00' TO A 5/8" REBAR
NW 80.17' TO A 5/8" REBAR
ON CENTERLINE OF EAST-WEST ASPHALT ROAD

INDEX OF SHEETS

SHEET 1 - FINAL PLAT
SHEET 2 - SURVEYOR'S CERTIFICATE, PLANNING COMMISSION APPROVAL, AND DEDICATION AND ACKNOWLEDGEMENTS

VICINITY SKETCH



LEGEND

- MONUMENT FOUND
- MONUMENT SET (5/8"x24" REBAR WITH PLASTIC CAP STAMPED "LS 534)
- TEMPORARY POINT
- D DEEDED DISTANCE
- G GOVERNMENT DISTANCE
- M MEASURED DISTANCE
- P PLATTED DISTANCE
- R RECORDED DISTANCE
- EXISTING EASEMENT
- CITY OF LINCOLN WATER MAIN EASEMENT (INST. NO. 2009048973)

NOTE: ALL BEARINGS ARE ASSUMED

N

0 50 100 200
GRAPHIC SCALE

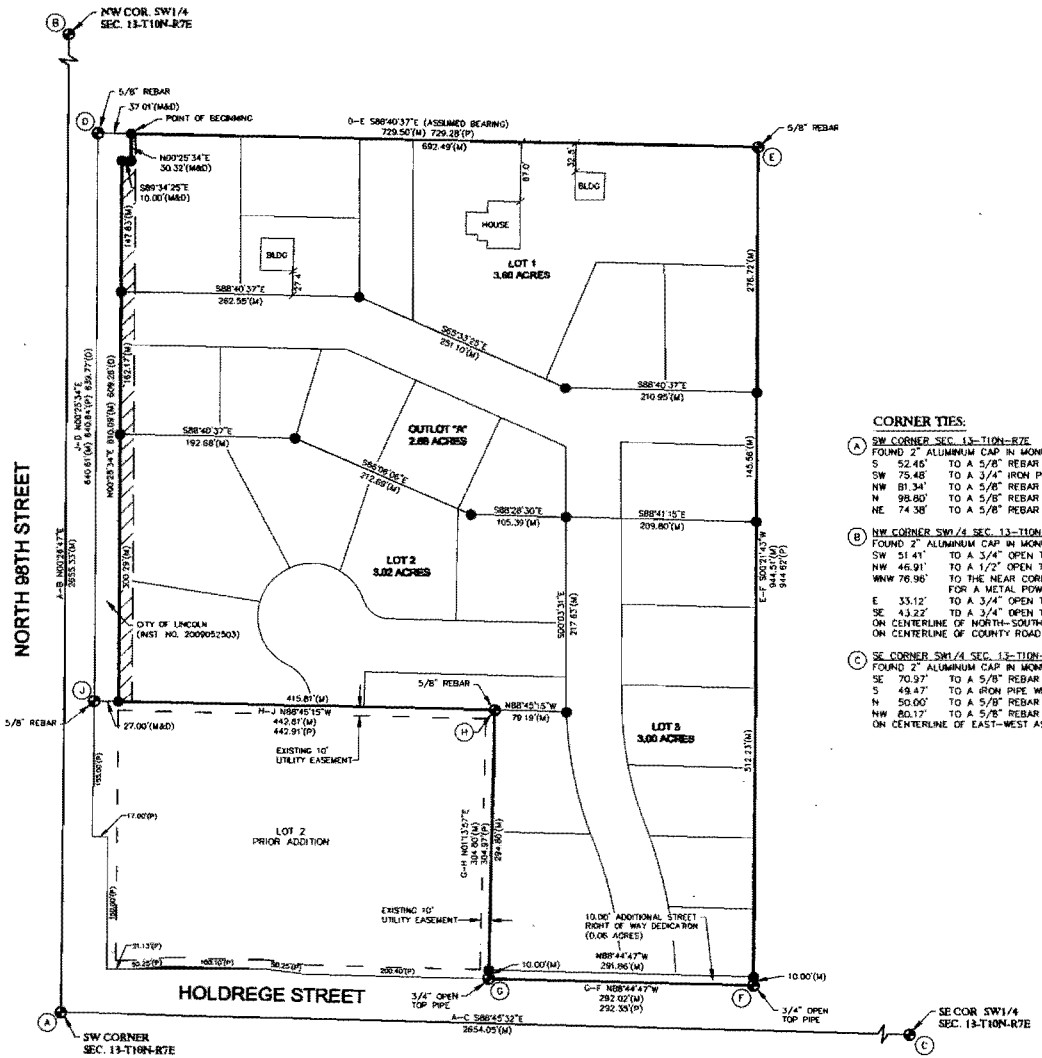
SHEET 1 OF 2

019

EXHIBIT 1

PRIOR 1ST ADDITION

ADMINISTRATIVE FINAL PLAT
BUILD THRU CONCEPT



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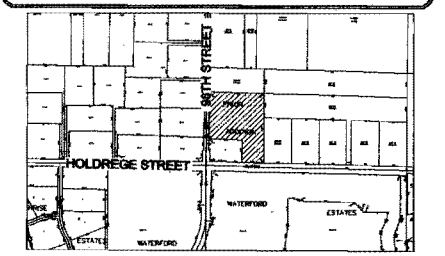

LEGEND

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- G GOVERNMENT DISTANCE
- M MEASURED DISTANCE
- P PLATTED DISTANCE
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NOTE: ALL BEARINGS ARE ASSUMED

N

0 50 100 200
GRAPHIC SCALE

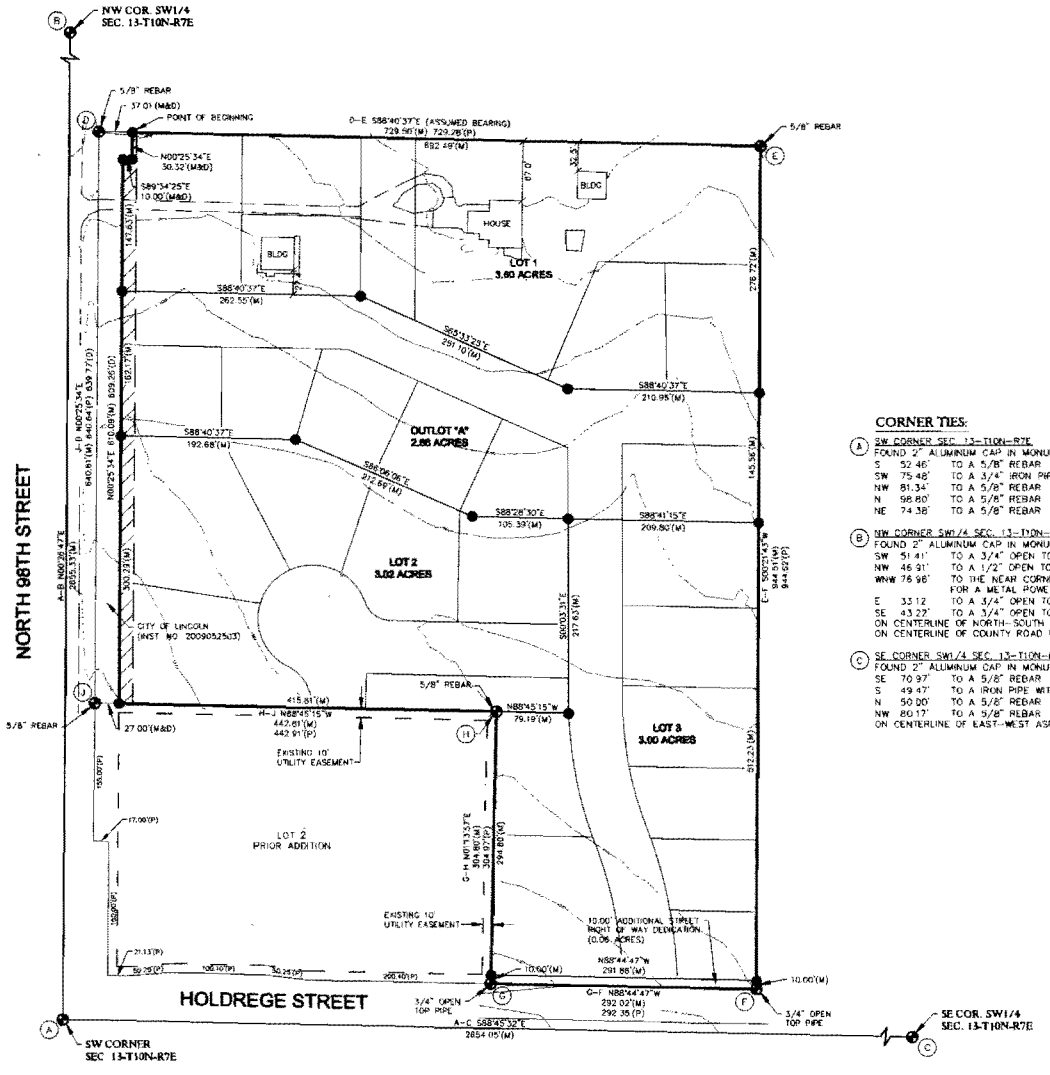
SHEET 1 OF 1

020

EXHIBIT 2

PRIOR 1ST ADDITION

ADMINISTRATIVE FINAL PLAT
(TOPOGRAPHIC SURVEY)



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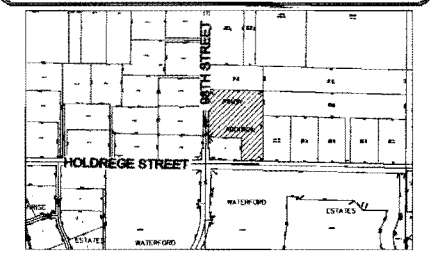

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NOTE: ALL BEARINGS ARE ASSUMED

0 50 100 200
GRAPHIC SCALE

SHEET 1 OF 1

021

City of Lincoln - Lancaster County
DEPARTMENT

ePlan
ePlan Submittal

Application Information

Application #	CZ10007	Title	98 AND HOLDREGE CZ
Associated Requests			

Planning Department Use Only

Submission Date	3/4/2010	Review Due	3/14/2010
Project Planner	Tom Cajka		

Review Comments

Planning	◉ Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend Denial ○ Recommend Approval with Conditions ○ Recommend Approval ○ No Review Required
Building & Safety (Bob Fiedler)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
Building & Safety (Terry Kathe)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
County Engineer (Ken Schroeder)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required see miscellaneous documents for review comments:
County Health (Chris Schroeder)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
County Sheriff (Capt Don E Young)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
Development Review Manager (Steve Henrichsen)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
Emergency Communications (Kelly Davila)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
Emergency Communications (Tara Garza)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
Fire Department (Richard Furasek)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Concerns of our department. Water availability for our response. There are no fire facilities in the area that does not allow the timely emergency response that our citizens have grown to expect and want.
Law Department (Rick Peo)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
LES (Mike Petersen)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
Lincoln Police Department (Sgt Don Scheinost)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required The Lincoln Police Department does not object to this proposal.
Public Works (Buff Baker)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required

022

	3/10/10 See Dennis' comments
Public Works (Dennis Bartels)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Public Works recommends denial of this change of zone from AG to AGR. It is not good policy to create AGR lots in Tier 1 A designated property. The creation of multiple ownerships potentially make it difficult for orderly development to urban density since multiple owners seldom want to subdivide at the same time. The applicant has presented a "build thru" concept for conversion to urban design lots and streets. This build thru concept creates intersection spacing between the intersection of 98th and Holdrege and the local streets shown intersecting 98th and Holdrege Street. closer than the design standard quarter mile spacing. The dimensions of this lot make the quarter mile spacing impossible if built within th limits of this property. The trunk sewer that makes this property sewerable is schedule to be constructed within 5 years. 26.11.080 states that subdivisions abutting city limits shall be annexed. I believe that this is contrary to the applicant's stated desires. Creating 3 AGR lots from this property creates 3 lots that need driveways to arterial streets. There is no way to guarantee that the AGR lots will be resubdivided and the driveways removed from the arterial streets before the streets reach arterial volumes when such driveways are undesireable. If the AGR zoning is approved despite our recommedation, the city should consider requiring a preliminary plat and one local street that would serve all the lots that would be created rather than 3 driveways .
School District - Lincoln (Scott Wieskamp)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required
United States Post Office (Kerry Kowalski)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Approve of this action provide that the developer provide centralized delivery for this development if it is determined this would be the most efficient mode of delivery.
Windstream (Jon Littrell)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required

Completed Review Comments

MEMORANDUM

TO: Leirion Gaylor Baird, Planning Commission

FROM: **Tom Cajka, Planning Department** TC

SUBJECT: *Change of Zone #10007 - 98th & Holdrege*

DATE: April 7, 2010

COPIES: Planning Commission
Kent Prior

Question: The staff report on page 6 states :

> *"The City policy of not establishing acreage lots in areas of near term urban development protects the home buyers. The City has experienced the significant upheaval in a family life created by annexation, and often resulting changes such as a shift in school district and additional costs brought on by urban services."*
>
> Could you provide an example of a time when these difficulties were created by an acreage subdivision being annexed into the City?

.Answer

In the past twenty years there have several examples of acreage subdivisions that existed outside the city limits where there was considerable controversy upon annexation. The largest examples would include:

- Sheldon Heights, 56th - 70th along Old Cheney Road
- Colonial Acres, S. 56th and Cumberland Drive, north of Pine Lake Road
- Stevens Ridge Estates, S. 70th and Stevens Ridge Road, south of Old Cheney Rd.
- Mar-Ma-Ra-Lo/ Pioneer Hts & Villa Del Rey, S. 84th and Pioneers Blvd.
- Yankee Hill neighborhood. S. Folsom St. and West Calvert St.

From the perspective of the acreage property owner, the following are some of the concerns raised:

A. Schools:

Annexation automatically changes the school district boundaries, but the newly annexed property owners must continue to pay for voter approved bonds in their past school districts. Also, if they have children, even though they can continue to attend school in their past district, busing could be dropped because surrounding property is no longer in their past district.

B. Property Taxes:

Property annexed would have to pay city property taxes. If a property is not currently in the LPS District, upon annexation it would transfer to LPS and pay the LPS general levy. The property owner would no longer pay tax to the rural fire district or the school district they previously were in. In the past, sometime there is a 5 to 20 percent increase in property tax upon annexation.

C. Utilities:

Owners who have wells and septic or lagoon systems are most often concerned about the potential costs of city services being extended to the property. Acreage properties typically have large frontages so utility costs can range from $5,000 to $10,000 or more per lot per service.

According to City Ordinance "Sewage from any building or premises shall be discharged directly into the community sewerage system when the system is available and within 300 feet from the building or premises measured along a street, alley, or easement to the encasement of the sewer system." (Section 24.38.080 (a)) The system must be properly abandoned within six months per Section 24.38.080 (c). If the city sewer system is more than 300 feet away or is not available, the homeowner may retain the septic system.

Wells are allowed inside the city limits as long as the owner pays the fee for and obtains a biennial permit from the Lincoln/Lancaster County Health Department. The well must meet city standards for construction and not be contaminated. In addition, if the premise is also supplied with city water an approved backflow device must be installed on the service line supplying city water and must have an annual backflow inspection performed by a grade 6 water operator registered with the Lincoln Water System. Costs for this inspection must be paid for by the property owner.

D. Issues Converting Acreage Lots to Urban Lots

Often owners are concerned about the character of their area changing. They bought an acreage lot assuming the area would stay in acreage use.

Often times in acreage developments the houses are situated on the lot that does not lend itself to subdivide the lot in the future. Issues can arise with future utilities and streets if care is not taken in siting the houses on the lots. Converting an acreage development to urban sized lots requires all property owners to agree to the subdivision. At times, it can be difficult to get multiple property owners to agree.

Q:\PC\CZ\10000\CZ10007 98th & Holdrege memo.tjc.wpd

Lincoln City-Lancaster County Planning Department
555 S. 10th St., Rm. #213 • Lincoln NE 68508
Phone: 441-7491 • Fax: 441-6377

Prior, Kent

From: Dennis D. Bartels [dbartels@lincoln.ne.gov]
Sent: Tuesday, December 29, 2009 4:11 PM
To: Prior, Kent
Subject: RE: Concept Adm Plat w/Build Thru 98th & Holdrege

I will have to get back to you next week about grades along 98th Street. The person I need to talk to here is not available this week.

I have reviewed your concept for an administrative plat for your property. If the change of zone is approved I believe that we can support the temporary drives to 98th and to Holdrege. Public Work's main concern about your potential build-thru plat is the spacing of the intersections along Holdrege and 98th as we had discussed in our meetings about the property. It appears that your subdivision could function without the future street access to Holdrege and rely upon a future local street connection to the east. As we have previously discussed both the 98th Street and Holdrege Street accesses will likely become right in right out streets when the adjoining arterials are improved to an urban street. It appears that you have provided options for future street connections into adjoining ownerships as required. A final plat would by standard require dedication of up to 60 feet of right of way from centerline for Holdrege and 98th if it does not presently exist. In general your concept meets the expectations for build thru.

-----Original Message-----
From: Prior, Kent [mailto:Kent.Prior@hdrinc.com]
Sent: Monday, December 28, 2009 12:15 PM
To: Dennis D. Bartels
Subject: Concept Adm Plat w/Build Thru 98th & Holdrege

Dennis:
Attached is a scan of a concept for the administrative plat for the my property. If you would comment, I would appreciate it. The lots are 3+ acres and conform to the minimum width and average width as prescribed. I have identified a build thru concept which allows access to all neighboring properties and minimizes access to 98th Street and Holdrege Street to one location. The lots are served by existing access with the exception of lot 3 which will need access to Holdrege Street. It is assumed that these accesses would go away at which time any of the lots are further developed. Further considerations which have gone into the lot layout are future drainage across lot 2, need for storm water detention in the future which can be provided on lot 2 and lot 3, need for future sewer service across the property which would approximate the natural drainage with the exception of the need for easement between two plots on lot 2. All the while minimizing the grading requirements. For my own benefit, I will be looking at grading requirements. I would be interested to know what the proposed street grade is for 98th Street at the centerline of the propose ROW at 98th Street which would be210 feet south of my north property line. The proposed can be shown as low density development for the future or can be urban development which has been shown. Call if you have any questions. Thank you for your help.

Kent Prior P.E.
Vice President
HDR ONE COMPANY | Many Solutions
301 South 13th Street, Suite 601 | Lincoln, NE | 68508-2532
Phone: 402.742.2906 | Fax: 402.742.2930 | Email: Kent.Prior@hdrinc.com

Jean Preister

From: david@mannering.org
Sent: Wednesday, March 31, 2010 7:41 PM
To: Jean Preister
Cc: mkprior@gmail.com
Subject: Change of Zone No. 10007 - N. 98th and Holdrege Street

Dear Planning Commission;

I am the property owner abutting the Prior's property on the north. Kent has discussed this request with my wife and I, and we support this change of zoning for his property.

Sincerely,

David Mannering
1800 N. 98th
484-6632

Jean Preister

From: ANALISA PETERSON [brentandanalisa@msn.com]
Sent: Thursday, April 01, 2010 10:03 PM
To: Jean Preister
Cc: Tom J. Cajka
Subject: RE. CHANGE OF ZONE NO. 10007

Planning Commission-

We are writing you to express our support of the CHANGE OF ZONE NO. 10007. We have contacted M. Kent and Marsha Prior to inquire about purchasing 2-3 acres of land. We support their plans for subdividing the land. We ask that you recommend this change of zone so that we would have opportunity to buy or build in this area.

Sincerely,
Brent and Analisa Peterson

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. Learn More.

028

Jean Preister

From: karenandgeorge@windstream.net
Sent: Saturday, April 03, 2010 8:55 AM
To: Jean Preister
Cc: mkprior@gmail.com; Tom J. Cajka
Subject: #10007 Zone change

We are neighbors of M. Kent and Marsha Prior and support the change of zone No. 10007 from AG to AGR which they have requested on the property known as Lot 1 Prior addition, generally located at N 98th & Holdrege streets.

George Burritt
Karen Hendricks
9800 Holdrege St
Lincoln, NE 68527
(402) 432-4903

029

Jean Preister

From: Jake Harms [jharms21@yahoo.com]
Sent: Monday, April 05, 2010 8:11 PM
To: Jean Preister
Subject: Change of zone. 10007

Dear Planning Commission,

As a neighbor of Mr. and Mrs. Prior I support their change of zone request No. 10007. I own land that is adjacent to their parcel at 98th and Holdrege St.

Sincerely,
Steven L. Harms
2210 N. 98th St.
Lincoln, NE 68505

030

Jean Preister

From: Jessica McEwen [jessrmcewen@yahoo.com]
Sent: Tuesday, April 06, 2010 11:51 AM
To: Jean Preister
Subject: Change of zone 10007

We would like to state that we are in support of the rezoning of lot 1, prior addition, located in sw 1/4 of section 13-10-7. We are neighbors in support of the rezoning at the following residences.

Tim and Jessica McEwen
2200 N 98th
and
Steven Harms
2210 N 98th

Thanks!
Jessica
Sent from my iPhone

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